

FEDERAL BANKRUPTCY COURT QUESTIONNAIRE

1. Is it appropriate to telephone Chambers regarding questions of procedure on pending matters?

The Honorable Paul M. Glenn: Yes, you may contact the Law Clerk on non-substantive (procedural) matters. However, the Court may designate a representative of the clerk's office to handle inquiries on specific cases.

The Honorable Arthur B. Briskman: No. All procedural questions should be directed to the Clerk's Office.

The Honorable Jerry A. Funk: Yes, to the law clerk on procedural matters

The Honorable Karen S. Jennemann: Yes, if the question truly is procedural, no substantive.

The Honorable Michael G. Williamson: Yes, you may contact the Law Clerk on non-substantive (procedural) matters. However, the Court may designate a representative of the clerk's office to handle inquiries on specific cases.

The Honorable K. Rodney May: Yes, you may contact the Law Clerk on non-substantive (procedural) matters. However, the court may designate a representative of the clerk's office to handle inquiries on specific cases.

You may call the Courtroom Deputy regarding scheduling issues. In particular, it is recommended that Chambers be advised as soon as possible if a matter has been settled.

The Honorable Catherine Peek McEwen: Yes, you may contact the Law Clerk on non-substantive (procedural) matters.

The Honorable Alexander L. Paskay: No

2. Is it appropriate to telephone Chambers regarding the status of pending matters?

The Honorable Paul M. Glenn: Yes

The Honorable Arthur B. Briskman: No

The Honorable Jerry A. Funk: No. Review the case docket on-line. Then, if necessary call the case manager in the clerk's office.

The Honorable Karen S. Jennemann: Yes, particularly if substantial and unexpected time has passed since a matter was taken under advisement

The Honorable Michael G. Williamson: Generally, no. First, review the case docket on-line. Then, if necessary, call the case manager in the Clerk's office. However, it is appropriate to

telephone Chambers if substantial and unexpected time has passed since a matter was taken under advisement.

The Honorable K. Rodney May: Generally, no. First, review the case docket online. Then, if necessary, call the case manager in the Clerk's office. However, it is appropriate to telephone Chambers if substantial and unexpected time has passed since a matter was taken under advisement.

The Honorable Catherine Peek McEwen: Generally, no. First, review the case docket on-line. Then if necessary, call the case manager in the Clerk's office. However, it is appropriate to telephone Chambers if substantial and unexpected time has passed since a matter was taken under advisement.

The Honorable Alexander L. Paskay: Yes

3. Should courtesy copies of pleadings and motions be forwarded to Chambers?

The Honorable Paul M. Glenn: Yes, if it is a complex matter

The Honorable Arthur B. Briskman: No, unless they are specifically requested.

The Honorable Jerry A. Funk: Only in emergency matters where the original was filed electronically.

The Honorable Karen S. Jennemann: Never, Staff is instructed to throw away all courtesy copies.

The Honorable Michael G. Williamson: No, except for papers that are filed within 48 hours of a hearing on a complex matter.

The Honorable K. Rodney May: No, except for papers that are filed within 48 hours of a hearing on a complex matter.

The Honorable Catherine Peek McEwen: No, except for papers filed within 48 hours of a hearing on a complex matter.

The Honorable Alexander L. Paskay: No

4. When should legal memorandum be filed in support of, or in opposition to, motions?

The Honorable Paul M. Glenn: Only in complex matters and then only as to nonrecurring issues. If you do file one, do so at least 24 hours before the hearing so it can be reviewed before the hearing.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Non-standard issues. If you file one, do so at least five days before the hearing.

The Honorable Karen S. Jennemann: Legal memorandums are appreciated on unique or complex legal issues. Memorandums are not requested for routine or simple legal issues, although parties are invited to submit a simple list of cases for the Court to review.

The Honorable Michael G. Williamson: Only in complex matters and then only as to non-recurring issues. If you do file one, do so at least 24 hours before the hearing so it can be reviewed before the hearing. Otherwise, only oral argument will be considered prior to a ruling.

The Honorable K. Rodney May: Legal memoranda should be filed only in complex matters and only as to non-recurring issues. If you do file one, do so at least 24 hours before the hearing so it can be reviewed before the hearing. Otherwise, only oral argument will be considered prior to a ruling.

The Honorable Catherine Peek McEwen: Whenever counsel thinks it will be helpful to the Court, particularly in complex matters. However, to be helpful, it must be filed at least 48 hours in advance of the hearing.

The Honorable Alexander L. Paskay: When requested

5a. Should copies of cases cited in motions and memorandum be forwarded to Chambers?

The Honorable Paul M. Glenn: No

The Honorable Arthur B. Briskman: No

The Honorable Jerry A. Funk: No

The Honorable Karen S. Jennemann: Never. However, copies of cases can be helpful during a court hearing. Always bring enough copies for all parties.

The Honorable Michael G. Williamson: Yes, key cases, but only if supplied to interested parties.

The Honorable K. Rodney May: Yes – key cases, but only if supplied to interested parties.

The Honorable Catherine Peek McEwen: Yes - key cases, provided they are served to all parties as well.

The Honorable Alexander L. Paskay: No.

5b. Is so, do you object to cases printed in Westlaw of CD-ROM format, rather than copies from a reporter?

The Honorable Paul M. Glenn: If you submit them, please do so in the Westlaw two-column format.

The Honorable Arthur B. Briskman: N/A

The Honorable Jerry A. Funk: N/A

The Honorable Karen S. Jennemann: No

The Honorable Michael G. Williamson: No

The Honorable K. Rodney May: No

The Honorable Catherine Peek McEwen: No

The Honorable Alexander L. Paskay: No

5c. If copies of cases are submitted, is it appropriate to highlight portions of cases?

The Honorable Paul M. Glenn: Yes, if also supplied to interested parties.

The Honorable Arthur B. Briskman: No *The Honorable Jerry A. Funk:* N/A

The Honorable Karen S. Jennemann: Yes. Highlighting is encouraged.

The Honorable Michael G. Williamson: Yes, in fact it is appreciated, but only if highlighted and/or “marked up” cases are also supplied to interested parties.

The Honorable K. Rodney May: Yes, in fact it is appreciated, but only if highlighted and/or “marked up” cases are also supplied to interested parties.

The Honorable Catherine Peek McEwen: Yes, I prefer to see highlighted cases. However, highlighted cases must be served to all parties in that same format.

The Honorable Alexander L. Paskay: Yes

6a. Is it appropriate to cite unpublished opinions in motions or memorandum?

The Honorable Paul M. Glenn: Yes

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Yes, if you give me a copy.

The Honorable Karen S. Jennemann: Yes

The Honorable Michael G. Williamson: Yes, if you give me a copy.

The Honorable K. Rodney May: Yes, if you provide a copy to the court and opposing counsel, and attach it to the motions or memoranda. *The Honorable Catherine Peek McEwen:* Yes

The Honorable Alexander L. Paskay: No

6b. If so, should they be attached to the motions or memoranda?

The Honorable Paul M. Glenn: Yes

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: Yes

The Honorable Michael G. Williamson: Yes

The Honorable K. Rodney May:

The Honorable Catherine Peek McEwen: Yes

The Honorable Alexander L. Paskay:

7. Do you allow telephonic hearings?

The Honorable Paul M. Glenn: Yes. The party requesting telephonic appearance must file a motion and submit a proposed order prior to the hearing.

The Honorable Arthur B. Briskman: Telephonic hearings are determined on a case-by-case basis. Location of Counsel DOES NOT entitle a telephonic hearing. If it is a contested motion and evidence or testimony is to be presented then a telephone hearing IS NOT permitted.

The Honorable Jerry A. Funk: On non-evidentiary matters on a case-by-case basis.

The Honorable Karen S. Jennemann: Yes. The following procedures shall apply:

-Telephone hearings are considered a privilege, not a right.

-Telephonic hearings are granted at the discretion of the assigned judge.

-Any party may request to appear by telephone; however, unless special circumstances are demonstrated, generally only those parties or their counsel who are not located in the Orlando Division of the United States Bankruptcy Court for the Middle District of Florida will be allowed to appear by telephone.

-Unless an emergency arises, all requests for telephonic hearings must be made at least seven days prior to the scheduled hearing date.

-All requests shall be made to the Courtroom Administrator, Vicki Conrad, at 407648-6904. The requesting party must supply an appropriate telephone number to Ms. Conrad at the time the initial request for the telephonic hearing is made.

-If a request for a telephonic hearing is granted, the requesting party must be available at least five minutes prior to the scheduled hearing and for one hour following the scheduled hearing time, unless the hearing concludes earlier. If the requesting party is not immediately available at the designated time, the hearing will proceed without the requesting party. If an attorney cannot be located by a receptionist, or if the Courtroom Administrator accesses an attorney's voicemail, the requesting party will lose the right to participate in future telephonic hearings.

-Telephonic hearings are not permitted for preliminary hearings on motions for relief from stay, evidentiary hearings or hearings conducted in connection with a Chapter 13 case. As such, telephonic hearings generally only will be held in connection with Chapter 7 hearings, Chapter 11 hearings and adversary proceeding hearings. No evidentiary hearing will be conducted by telephone.

The Honorable Michael G. Williamson: Yes, if there is a good reason (See my Policy on Telephonic Appearances, posted at www.flmb.uscourts.gov/williamson)

The Honorable K. Rodney May: Yes, if appropriate. The following procedures shall apply: (also, refer to my Policy on Telephonic Appearances, posted at www.flmb.uscourts.gov/may)

-Telephone hearings are considered a privilege, not a right.

-Telephonic hearings are granted at my discretion.

-Any party may request to appear by telephone, unless special circumstances are demonstrated, generally only those parties or their counsel who are not located in the Tampa Division of the United States Bankruptcy Court for the Middle District of Florida will be allowed to appear by telephone.

-The court can accommodate only one party's telephonic appearance at a particular hearing. If more than one counsel wishes to appear telephonically, the parties must arrange among themselves for a "call-in conference call" and supply the court with the telephone number and access code at least twenty-four (24) hours prior to the scheduled hearing date.

-A written motion requesting a telephonic appearance is not required. All requests shall be made to the Courtroom Deputy, Kim Murphy, at 813-301-5118. The requesting party must supply an appropriate telephone number at the time the initial request for the telephonic hearing is made.

-If a request for a telephonic hearing is granted, the requesting party must be available at least five (5) minutes prior to the scheduled hearing and for one (1) hour following the scheduled hearing time, unless the hearing concludes earlier. If the requesting party is not immediately available at the designed time, the hearing will proceed without the requesting party, and that party may lose the right to participate in future telephonic hearings.

-Telephonic hearings are typically not permitted for preliminary hearings on motions for relief from stay, evidentiary hearings, or hearings conducted in connection with a Chapter 13 case. Generally, telephonic hearings will only be held in connection with Chapter 7 hearings, Chapter 11 hearings, and adversary proceeding pre-trial conferences and non-evidentiary hearings. No evidentiary hearing will be conducted by telephone

The Honorable Catherine Peek McEwen: I have not developed a policy on this issue as of the publication date of these responses. I will probably adopt something similar to the procedures employed by Judge Jennemann, Judge Williamson, and Judge May, except that I may require counsel to initiate the call rather than the Courtroom Deputy. Telephonic hearings will not be granted to local counsel absent unusual circumstances.

The Honorable Alexander L. Paskay: Seldom

8. What can an attorney do to call attention to a pending motion of particular importance to expedite rulings?

The Honorable Paul M. Glenn: Advise me at the hearing or call the Law Clerk.

The Honorable Arthur B. Briskman: Emergency or Expedited Request should appear under the case number in the caption of the pleading in bold type.

The Honorable Jerry A. Funk: If the motion is to be scheduled for hearing, the title of the motion should indicate that the motion is of an emergency nature.

Additionally, the motion must contain a certificate of necessity of emergency hearing. A heads up call to my courtroom administrator or law clerk, letting us know that a motion is being filed is helpful although no scheduling will occur until the motion is filed and I have reviewed it.

The Honorable Karen S. Jennemann: If a motion is an emergency, attorneys should follow Local Rule 9004-2. Otherwise, the court will schedule motions in ordinary course.

The Honorable Michael G. Williamson: Call the law clerk.

The Honorable K. Rodney May: If a motion is an emergency, attorneys should follow Local Rule 9004-2. Otherwise, the court will schedule motions in ordinary course.

The Honorable Catherine Peek McEwen: Call the law clerk.

The Honorable Alexander L. Paskay: Call the law clerk

9a. What do you consider to be an emergency matter?

The Honorable Paul M. Glenn: I evaluate this on a case-by-case basis. Generally, I accept the movant's representations.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Submit motion and certificate of necessity and judge will review.

The Honorable Karen S. Jennemann: Few true emergencies exist, and all emergency motions are evaluated on a case-by-case basis. The one exception is that "first day" hearings in Chapter 11 cases involving an operating debtor automatically are scheduled within three days of the petition date.

The Honorable Michael G. Williamson: Situations involving imminent loss of property rights; first-day motions in chapter 11 cases.

The Honorable K. Rodney May: Situations involving imminent loss of property rights; first-day motions in Chapter 11 cases.

The Honorable Catherine Peek McEwen: Situations involving an imminent loss of rights; the motion or application should state what harm would occur if the hearing is not scheduled as an emergency.

Also, expedited hearings will be scheduled on matters falling under the Court's Administrative Order Establishing Initial Procedures in Chapter 11 Cases Filed in the Tampa and Ft. Myers Divisions, Administrative Order TPA-2005-2(AO 2005-2).

The Honorable Alexander L. Paskay: Immediate foreclosure; anything that justifies injunctive relief

9b. How does one request emergency relief?

The Honorable Paul M. Glenn: Submit a motion and certificate of necessity. See

M.D. Fla. L.B.R. 9004-2.

The Honorable Arthur B. Briskman: By filing an appropriate motion with a Certificate of Necessity.

The Honorable Jerry A. Funk:

The Honorable Karen S. Jennemann: Follow the procedures set forth in Local Rule 9004-2.

The Honorable Michael G. Williamson: It should be handled in accordance with the local rules. Submit a motion and certificate of necessity, and the Judge will review them. See M.D. Fla. L.B.R. 9004-2. You will then be contacted by the Courtroom Deputy.

The Honorable K. Rodney May: It should be handled in accordance with the local rules. Submit a motion and certificate of necessity, and I will review them. See M.D. Fla. L.B.R. 9004-2. You will then be contacted by the Courtroom Deputy.

The Honorable Catherine Peek McEwen: Follow M.D. Fla. L.B.R. 9004-2 for emergency matters. If an emergency hearing is appropriate under the circumstances, the Courtroom Deputy will inform the movant, who will be directed to provide notice telephonically, and by facsimile.

With respect to expedited matters falling under AO-2005-2, the case manager will alert the Courtroom Deputy, who will schedule the hearing and direct how notice should be given.

The Honorable Alexander L. Paskay: File motion accompanied by affidavit of necessity for emergency.

10a. Will you entertain motions in limine prior to trial?

The Honorable Paul M. Glenn: Yes, where it will impact on trial preparation or length of trial.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: Only in truly exceptional cases.

The Honorable Michael G. Williamson: Yes, but only in exceptional cases where it will impact on trial preparation or length of trial.

The Honorable K. Rodney May: Yes, but only in exceptional cases where it will impact trial preparation or length of trial. *The Honorable Catherine Peek McEwen:* Yes *The Honorable Alexander L. Paskay:* Generally no, only on matters that will impact the trial.

10b. If you will consider motions in limine prior to trial, how far in advance should they be filed?

The Honorable Paul M. Glenn: As far in advance as possible and appropriate.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: As far in advance as possible.

The Honorable Karen S. Jennemann: As early as possible.

The Honorable Michael G. Williamson: As far in advance as possible and appropriate.

The Honorable K. Rodney May: As far in advance as possible and appropriate.

The Honorable Catherine Peek McEwen: As far in advance as possible and appropriate.

The Honorable Alexander L. Paskay: At least two weeks

11. What are your procedures concerning ex-parte temporary restraining orders?

The Honorable Paul M. Glenn: I will consider ex parte temporary restraining orders if they are in compliance with Rule 7065 of the Federal Rules of Bankruptcy Procedure.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: We follow the procedures set forth in the local rules and bankruptcy rules.

The Honorable Karen S. Jennemann: They are treated as emergency motions and evaluated on a case-by-case basis.

The Honorable Michael G. Williamson: Generally, requests for temporary restraining orders are treated as motions for preliminary injunction, and an evidentiary hearing is scheduled on short notice to affected parties. However, in rare instances where conducting a hearing on notice is impossible, I will consider ex parte temporary restraining orders if they are in compliance with Rule 65 of the Federal Rules of Civil Procedure. For guidance, I find the Middle District of Florida's rules to be very comprehensive and encourage attorneys to follow them when seeking temporary restraining orders. U.S. Dist. Ct. Rules M.D. Fla., Rules 4.05 and 4.06.

The Honorable K. Rodney May: Generally, requests for temporary restraining orders are treated as motions for preliminary injunction, and an evidentiary hearing is scheduled on short notice to affected parties. However, in rare instances where conducting a hearing on notice is impossible, I will consider ex parte temporary restraining orders if they are in compliance with Rule 65 of the Federal Rules of Civil Procedure. For guidance, the Middle District of Florida's rules are very comprehensive and I encourage attorneys to follow them when seeking temporary restraining orders. U.S. Dist.Ct.Rules M.D. Fla., Rules 4.05 and 4.06.

The Honorable Catherine Peek McEwen: Follow Rule 7065, Federal Rules of Bankruptcy Procedure. For guidance, refer to Rule 4.05 of the Local Rules of the Middle District of Florida. A good "how to" resource is retired Judge Corcoran's article "Preliminary Injunctions and Temporary Restraining Orders: How to Get Them Effectively and Efficiently," The Cramdown, Tampa Bay Bankruptcy Bar Association, Winter 2003, pp. 4-5 (past editions of The Cramdown are available on the Court's website).

The Honorable Alexander L. Paskay: If the motion is sworn to or accompanied by affidavit

12a. What is your policy/practice regarding the use of alternative dispute resolution devices such as court-annexed, non-binding arbitration and mediation?

The Honorable Paul M. Glenn: I encourage it.

The Honorable Arthur B. Briskman: Mediation is encouraged.

The Honorable Jerry A. Funk: N/A

The Honorable Karen S. Jennemann: I encourage and sometimes require mediation.

The Honorable Michael G. Williamson: Mediation (but not non-binding arbitration) is encouraged. I will readily grant motions by either party and, at times, order mediation sua sponte.

The Honorable K. Rodney May: Mediation (but not non-binding arbitration) is encouraged. I will readily grant motions by either party and, at times, order mediation sua sponte.

The Honorable Catherine Peek McEwen: I encourage mediation (but not nonbinding arbitration). In appropriate cases I will require it.

The Honorable Alexander L. Paskay: Prefer not to

12b. Will you refer settlement negotiations to another bankruptcy judge?

The Honorable Paul M. Glenn: Not unless it is requested.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: No

The Honorable Michael G. Williamson: I will refer mediation to another bankruptcy judge if one is willing to serve in that capacity.

The Honorable K. Rodney May: I will refer mediations to another bankruptcy judge, if one is willing to serve in that capacity.

The Honorable Catherine Peek McEwen: I will refer mediations to another bankruptcy judge if the matter is complex and one is willing to serve in that capacity.

The Honorable Alexander L. Paskay: Never

13. When a dispute arises during a deposition, is it appropriate to call Chambers to seek an immediate ruling?

The Honorable Paul M. Glenn: Usually no, but sometimes it may be appropriate.

The Honorable Arthur B. Briskman: If the Court is advised prior to the deposition that a dispute may arise the Court makes itself available. Court conference rooms are usually used in these instances so the parties may easily move into the courtroom for resolution.

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: No

The Honorable Michael G. Williamson: Yes

The Honorable K. Rodney May: Yes

The Honorable Catherine Peek McEwen: Yes

The Honorable Alexander L. Paskay: No

14a. Do you grant trial dates certain?

The Honorable Paul M. Glenn: Yes

The Honorable Arthur B. Briskman: Yes, if requested by the parties.

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: Yes

The Honorable Michael G. Williamson: Yes

The Honorable K. Rodney May: Yes

The Honorable Catherine Peek McEwen: Yes

The Honorable Alexander L. Paskay: Yes

14b. If not, what is your policy regarding notice of being called for trial during a trial docket (e.g., 48 hours)?

The Honorable Paul M. Glenn: N/A

The Honorable Arthur B. Briskman: Status Conferences are set in the beginning of the month with trial weeks set at the end of the month. At the Status Conference, Counsel is asked of any conflicts during the trial week. The Final Evidentiary Hearing is either scheduled in Court, or the courtroom deputy will call the parties one week prior to the scheduled trial week to advise of

the date and time certain. If Counsel has not heard from the courtroom deputy by the Friday prior to trial week, it is counsel's responsibility to call and get the hearing date and time.

The Honorable Jerry A. Funk: N/A

The Honorable Karen S. Jennemann: N/A

The Honorable Michael G. Williamson: N/A

The Honorable K. Rodney May: N/A

The Honorable Catherine Peek McEwen: N/A

The Honorable Alexander L. Paskay: N/A

15. Do you require trial briefs?

The Honorable Paul M. Glenn: For trials that will take more than one hour, yes.

The Honorable Arthur B. Briskman: If the Court requests them in advance of trial.

The Honorable Jerry A. Funk: For any trial scheduled for over three hours.

The Honorable Karen S. Jennemann: Occasionally and only as directed in specific pretrial orders.

The Honorable Michael G. Williamson: Sometimes; this will be covered in the pretrial order.

The Honorable K. Rodney May: Sometimes; this will be covered in the pretrial order.

The Honorable Catherine Peek McEwen: Not for all trials – only as directed orally or in a pre-trial order.

The Honorable Alexander L. Paskay: Post-trial if requested.

16. Do you require proposed findings of fact and conclusions of law to be filed?

The Honorable Paul M. Glenn: No

The Honorable Arthur B. Briskman: No, only if requested.

The Honorable Jerry A. Funk: If I elect to have the parties submit briefs or memoranda of law in lieu of oral argument at the conclusion of a trial or hearing. I require proposed findings of fact and conclusions of law.

The Honorable Karen S. Jennemann: Rarely

The Honorable Michael G. Williamson: No

The Honorable K. Rodney May: Rarely

The Honorable Catherine Peek McEwen: Not unless requested at the conclusion of a trial.

The Honorable Alexander L. Paskay: If requested, after the trial.

17. Should trial briefs and/or proposed findings of fact and conclusions of law be submitted to Chambers on a computer disk?

The Honorable Paul M. Glenn: No

The Honorable Arthur B. Briskman: A hard copy and a disk of proposed findings of fact and conclusions of law should be submitted.

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: If requested, findings of fact and conclusions of law should be submitted on a computer disk using Microsoft Word, if possible.

The Honorable Michael G. Williamson: Not unless requested.

The Honorable K. Rodney May: If requested, findings of fact and conclusions of law should be submitted on a computer disk using Microsoft Word, if possible.

The Honorable Catherine Peek McEwen: Not unless requested.

The Honorable Alexander L. Paskay: Yes

18. Do you prefer opening statements?

The Honorable Paul M. Glenn: Generally, yes.

The Honorable Arthur B. Briskman: Not generally.

The Honorable Jerry A. Funk: Yes

The Honorable Karen S. Jennemann: No

The Honorable Michael G. Williamson: Generally not, unless requested.

The Honorable K. Rodney May: Generally not, unless requested.

The Honorable Catherine Peek McEwen: Generally not, unless requested.

The Honorable Alexander L. Paskay: Rarely

19. Do you conduct Daubert hearings prior to trial?

The Honorable Paul M. Glenn: Sometimes

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: N/A

The Honorable Karen S. Jennemann: No

The Honorable Michael G. Williamson: Daubert is, of course, followed strictly.

Generally, I am content to apply Daubert when an objection is made at trial. However, if a Daubert motion is filed prior to trial and a request for separate hearing is made, I will generally grant such a request.

The Honorable K. Rodney May: Daubert is, of course, followed strictly. Generally, I am content to apply Daubert when an objection is made at trial. However, if a Daubert motion is filed prior to trial and a request for separate hearing is made, I will generally grant such a request.

The Honorable Catherine Peek McEwen: If a Daubert motion is filed prior to trial and a request for separate hearing is made, then probably so.

The Honorable Alexander L. Paskay: If justified

20. What is your procedure for use of videotapes, trial graphics, depositions, demonstrations?

The Honorable Paul M. Glenn: Call the Courtroom Deputy no later than 48 hours prior to trial or final evidentiary hearing to coordinate.

The Honorable Arthur B. Briskman: Use is permitted. Counsel should call the courtroom deputy prior to the hearing to make arrangements.

The Honorable Jerry A. Funk: The procedure must be arranged in advance with the courtroom administrator on a case-by-case basis.

The Honorable Karen S. Jennemann: I encourage use of any aid to help the court and witnesses understand the facts. Any demonstrative aid must be easily viewed by everyone in attendance. Large blow-ups of balance sheets and financial calculations rarely are helpful and usually are better presented as paper exhibits. As to depositions, I required parties to submit segments they would like to include on the record, which I will independently read. Any objections will be resolved at trial. I do not allow parties to read deposition transcripts during a trial.

The Honorable Michael G. Williamson: Call the Courtroom Deputy no later than 48 hours prior to trial or final evidentiary hearing to coordinate.

The Honorable K. Rodney May: Call the Courtroom Deputy no later than 48 hours prior to trial or final evidentiary hearing to coordinate.

The Honorable Catherine Peek McEwen: Call the Courtroom Deputy no later than 48 hours prior to trial or final evidentiary hearing to coordinate electronic presentations. Stand-alone trial graphics (posters) are not helpful unless the print is very large; a paper version that I can view at the bench is more helpful. I have not yet formulated a policy on the handling of depositions.

The Honorable Alexander L. Paskay: In complex case and if it is helpful

21. What matters are acceptable for utilizing negative notice?

The Honorable Paul M. Glenn: See M.D. Fla. L.B.R. 2002-4

The Honorable Arthur B. Briskman: Please refer to the Court's web site (http://www.flmb.uscourts.gov/docs/negnoticechart_rev.PDF). This PDF contains a table that consolidates the appropriate use of negative notice by practitioners as permitted by Local Rule 2002-4. All practitioners are encouraged to use negative notice wherever appropriate but are also reminded of the Court's discretionary authority to set any matter for hearing even if no objection was filed as stated in L.R. 2002-4(e).

The Honorable Jerry A. Funk: See Local Rule 2002-4

The Honorable Karen S. Jennemann: Please see Attachment 1. This attachment contains a table that consolidates the appropriate use of negative notice by practitioners as permitted by Local Rule 2002-4. All practitioners are encouraged to use negative notice wherever appropriate but are also reminded of the Court's discretionary authority to set any matter for hearing even if no objection was filed as stated in L.R. 2002-4(e).

The Honorable Michael G. Williamson: The use of the negative notice procedure is highly encouraged. See M.D. Fla. L.B.R. 2002-4 for matters that are acceptable.

The Honorable K. Rodney May: The use of the negative notice procedure is highly encouraged. See M.D. Fla. L.B.R. 2002-4 for matters that are acceptable. (See also my Acceptable Use of Negative Notice, posted at <http://www.flmb.uscourts.gov/may/>)

The Honorable Catherine Peek McEwen: See M.D. Fla. L.B.R. 2002-4. Upon request I will consider applying negative notice to other matters.

The Honorable Alexander L. Paskay: Sales by Trustee in Chapter 7; Motion to compromise; fee applications; objections to claims; objection to motions to abandon

22. How does a litigant obtain a hearing date?

The Honorable Paul M. Glenn: In most instances, upon filing of a motion, parties will be notified by a court-generated notice or order setting a hearing. In the case of emergency hearings, the Courtroom Deputy will contact movant's counsel; counsel is typically instructed to provide notice by telephone and fax.

The Honorable Arthur B. Briskman: At this time by filing the proper pleading, motion, objection. The pleading is filed with the Clerk's Office that in turn forwards it to the courtroom deputy. It is given a hearing date and time and returned to the Clerk's Office for noticing unless counsel is asked to prepare the notice of hearing.

The Honorable Jerry A. Funk: File a motion and the Court will schedule a hearing

The Honorable Karen S. Jennemann: Call the Courtroom Administrator, Vicki Conrad, at 407-648-6365 x6904.

The Honorable Michael G. Williamson: In most instances, upon filing of a motion, parties will be notified by a court-generated notice or order setting a hearing. In the case of emergency hearings, the courtroom deputy will contact movant's counsel; counsel is typically instructed to provide notice by telephone and fax.

The Honorable K. Rodney May: In most instances, upon filing of a motion, parties will be notified by a court-generated notice or order setting a hearing. In the case of emergency hearings, the Courtroom Deputy will contact movant's counsel; counsel is typically instructed to provide notice by telephone and fax.

The Honorable Catherine Peek McEwen: In most instances, upon filing of a motion, parties will be notified by a court-generated notice or order setting a hearing. In the case of emergency hearings, the courtroom deputy will contact movant's counsel; counsel is typically instructed to provide notice by telephone and fax.

The Honorable Alexander L. Paskay: Courtroom Deputy schedules all hearing dates

23. How does one know if a hearing is to be evidentiary (if Fed. R.B.P. 9014(e) has not been implemented)?

The Honorable Paul M. Glenn: Except in unusual situations, typically emergency in nature, the initial hearing on a motion will be noticed as "preliminary." If a hearing is noticed as "preliminary" the Court will not permit the introduction of testimony or documentary evidence. However, if it appears from discussion with counsel that there are no material facts in dispute, the Court, if otherwise appropriate, will enter dispositive rulings, to include the summary judgment on the Court's own motion, at the preliminary hearing. Typically, hearings that are not noticed as preliminary are noticed as evidentiary.

The Honorable Arthur B. Briskman: By reading the hearing notice. All notices describe the type of hearing to be conducted.

The Honorable Jerry A. Funk: All hearings are evidentiary

The Honorable Karen S. Jennemann: Court notice will provide whether hearing is evidentiary or non-evidentiary.

The Honorable Michael G. Williamson: Except in unusual situations, typically emergency in nature, the initial hearing on a motion will be noticed as “preliminary.” If a hearing is noticed as “preliminary” the court will not permit the introduction of testimony or documentary evidence. However, if it appears from discussion with counsel that there are no material facts in dispute, the court, if otherwise appropriate, will enter dispositive rulings, to include the summary judgment on the court’s own motion, at the preliminary hearing. Typically, hearings that are not noticed as preliminary are noticed as evidentiary.

The Honorable K. Rodney May: Except in unusual situations, typically emergency in nature, the initial hearing on a motion will be noticed as “preliminary.” If a hearing is noticed as “preliminary” the court will not permit the introduction of testimony or documentary evidence. However, if it appears from discussion with counsel that there are no material facts in dispute, the court, if otherwise appropriate, will enter dispositive rulings, to include the summary judgment on the court’s own motion, at the preliminary hearing. Unless the notice states that the hearing is “evidentiary,” it will be conducted as a preliminary hearing.

The Honorable Catherine Peek McEwen: The notice will specify whether the hearing is preliminary or evidentiary. However, if a hearing is noticed as preliminary and if it appears from discussion with counsel that there are no material facts in dispute, the Court, if otherwise appropriate, will make dispositive rulings at the preliminary hearing.

The Honorable Alexander L. Paskay: If the notice is for preliminary, this is not evidentiary

24. What are your requirements for proposed orders?

The Honorable Paul M. Glenn: Proposed orders should be submitted through delivery to the Clerk’s office or submitted electronically (if you are a registered electronic Filing User) to Orders.glenn@flmb.uscourts.gov. Proposed orders should not be submitted directly to Chambers, either via hand delivery or electronically, unless counsel is specifically instructed by the Judge to Chambers to do so.

The Honorable Arthur B. Briskman: Please refer the Court’s web site (www.flmb.uscourts.gov/briskman/) for details.

The Honorable Jerry A. Funk: See Local Rule 9072-1 and my practice guidelines on the Court’s website at www.flmb.uscourts.gov/localrules

The Honorable Karen S. Jennemann: Proposed orders should be submitted no later than three days after a hearing. Filing Users relying on CM/ECF may submit orders by e-mail.

The Honorable Michael G. Williamson: Refer to Local Rule 9072-1 when preparing proposed orders. Proposed orders are to include a full, descriptive title and are to be submitted within three days after the hearing. Include complete mailing addresses (not just names) on the service list. It is not necessary to provide service copies or envelopes. Proposed orders should be submitted through delivery to the Clerk's office or submitted electronically (if you are a registered electronic Filing User) to orders.Williamson@flmb.uscourts.gov. Proposed orders should not be submitted directly to Chambers, either via hand delivery or electronically, unless counsel is specifically instructed by the Judge to Chambers to do so.

The Honorable K. Rodney May: Refer to Local Rule 9072-1 when preparing proposed orders. Proposed orders are to include a full, descriptive title and are to be submitted within three (3) days after the hearing. Include complete mailing addresses (not just names) on the service list. It is not necessary to provide service copies or envelopes. Proposed orders should be submitted through delivery to the Clerk's office or submitted electronically (if you are a registered electronic filer) to Orders.may@flmb.uscourts.gov. Proposed orders should not be submitted directly to Chambers, either via hand delivery or electronically, unless counsel is specifically instructed by the Judge to Chambers to do so. Refer to the court's website regarding Submission of Proposed Orders for additional instructions.

The Honorable Catherine Peek McEwen: Refer to Local Rule 9072-1 when preparing proposed orders. Judge Funk's Practice Guidelines Memorandum (available on the Court's website under his name on the Judges page) is a very good "how to" resource. Electronic Filers should submit proposed orders through e-mail to Orders.mcewen@flmb.uscourts.gov and comply with the Tampa Division guidelines for submission of proposed orders through CM/ECF (<http://www.flmb.uscourts.gov/proposedorders.htm>.)

The Honorable Alexander L. Paskay: Proper title, no signature line on a blank page by itself

25. Do you have a policy on continuances and enlargements of time (e.g., hearing required)?

The Honorable Paul M. Glenn: Such motions should be in compliance with M.D. Fla. L.B.R. 5071-1.

The Honorable Arthur B. Briskman: Moving party should confer with opposing counsel and include that information in the motion, i.e. counsel conferred and opposing party consents, etc.

The Honorable Jerry A. Funk: No

The Honorable Karen S. Jennemann: A written motion is required for any continuance or enlargement of time. A hearing may or may not be set, depending on the circumstances surrounding the request.

The Honorable Michael G. Williamson: Do not assume that a motion for continuance filed at the last minute will be granted. Be prepared for the denial of a last-minute request. If you represent the party with the burden of proof, you should be ready to go forward or suffer the consequences of being unprepared. Refer to Local Rule 5071-1 prior to filing your motion for continuance.

Importantly, a motion for continuance must recite that you have discussed the proposed continuance with opposing counsel and whether there is any objection to the continuance.

Remember to submit a proposed order along with your request for a continuance. Also, if it is a last-minute request, call and let the courtroom deputy know before filing the motion that you are seeking a continuance.

A first request for a continuance where the opposing party consents will typically be granted ex parte, depending on the nature of the continuance being sought. A second request may be set for hearing, again depending on the nature of the continuance being sought.

The Honorable K. Rodney May: A written motion is required for any continuance or enlargement of time. Do not assume that a motion for continuance filed at the last minute will be granted. Be prepared for the denial of a last-minute request. If you represent the party with the burden of proof, you should be ready to go forward or suffer the consequences of being unprepared. Refer to Local Rule 5071-1 prior to filing your motion for continuance.

Importantly, a motion for continuance must recite that you have discussed the proposed continuance with opposing counsel and whether there is any objection to the continuance.

Remember to submit a proposed order along with your request for a continuance. Also, if it is a last-minute request, call and let the courtroom deputy know before filing the motion that you are seeking a continuance.

A first request for a continuance where the opposing party consents will typically be granted ex parte, depending on the nature of the continuance being sought. A second request may be set for hearing, again depending on the nature of the continuance being sought.

The Honorable Catherine Peek McEwen: Do not assume that a motion for continuance filed at the last minute will be granted absent consent of all parties. Refer to Local Rule 5071-1 prior to filing your motion for continuance. A motion for continuance must recite that you have discussed the proposed continuance with opposing counsel and whether there is any objection to the continuance.

Remember to submit a proposed order along with your request for a continuance. Also, if it is a last-minute request, call and let the Courtroom Deputy know before filing the motion that you are seeking a continuance.

The Honorable Alexander L. Paskay: Rarely

26. Under what circumstances do you require the debtor's attendance at a hearing?

The Honorable Paul M. Glenn: All hearings when the debtor is pro se; hearings on reaffirmation agreements when debtor's counsel has not signed the agreement; all evidentiary hearing; initial status conference and significant hearings in Chapter 11 cases.

The Honorable Arthur B. Briskman: Debtor's should be present at all hearings dealing with motions/objections filed on their behalf unless previously excused by the Court.

The Honorable Jerry A. Funk: When the debtor is subpoenaed, ordered by the Court, or required by local rule.

The Honorable Karen S. Jennemann: Debtors generally should attend all hearings.

The Honorable Michael G. Williamson: All hearings when the debtor is pro se; hearings on reaffirmation agreements when debtor's counsel has not signed the agreement; all evidentiary hearing; initial status conference and significant hearings in chapter 11 cases.

The Honorable K. Rodney May: All hearings when the debtor is pro se; hearings on reaffirmation agreements when debtor's counsel has not signed the agreement; all evidentiary hearings; initial status conference and significant hearings in chapter 11 cases.

The Honorable Catherine Peek McEwen: All hearings when the debtor is pro se; hearings on reaffirmation agreements when debtor's counsel has not signed the agreement; all evidentiary hearing involving an interest of the debtor; initial status conference and significant hearings in chapter 11 cases. I may add others as I develop this policy.

The Honorable Alexander L. Paskay: Only when Debtor's rights are involved; motion for relief from stay.

27. Do you grant pro hac vice admission on oral requests at hearing?

The Honorable Paul M. Glenn: Yes, but prefer motions be filed. See M.D. Fla. L.B.R. 2090-1.

The Honorable Arthur B. Briskman: Yes

The Honorable Jerry A. Funk: I deal with such requests on a case-by-case basis.

The Honorable Karen S. Jennemann: Yes

The Honorable Michael G. Williamson: Yes, but prefer motions to be filed. See M.D. Fla. L.B.R. 2090-1.

The Honorable K. Rodney May: Yes, but prefer motions to be filed. See M.D. Fla. L.B.R. 2090-1.

The Honorable Catherine Peek McEwen: Yes, but the preferred method is to follow M.D. Fla. L.B.R. 2090-1.

The Honorable Alexander L. Paskay: No, by motion.

28. What is your practice or policy when counsel fails to serve opposing parties with motions within the times set forth in the Rules or in your orders?

The Honorable Paul M. Glenn: It depends on whether an opposing party is prejudiced. In some circumstances, sanctions such as attorney fees may be appropriate.

The Honorable Arthur B. Briskman: Matter is rescheduled unless opposing counsel states they do not object.

The Honorable Jerry A. Funk: I deal with it on a case-by-case basis.

The Honorable Karen S. Jennemann: I have no set policy, but will take whatever action is appropriate on a case-by-case basis.

The Honorable Michael G. Williamson: It depends on whether an opposing party is prejudiced. In some circumstances, sanctions, such as attorney fees, may be appropriate.

The Honorable K. Rodney May: It depends on whether an opposing party is prejudiced. In some circumstances, sanctions, such as attorney fees, may be appropriate.

The Honorable Catherine Peek McEwen: I will take what action is appropriate based on the issue. Generally, the deadlines for filing and responding to summary judgment motions (relative to the hearing date) will be treated as firm. If a proposed order is not timely submitted in compliance with an order or published policy, the matter at issue may be denied based on that noncompliance.

The Honorable Alexander L. Paskay: Motions are stricken ex parte.

29. What is your practice or policy when counsel fails to provide opposing counsel with copies of proposed exhibits prior to a hearing or trial?

The Honorable Paul M. Glenn: It depends on potential prejudice, which may result in a continuance and possible imposition of sanctions. The Court may also deny admission of exhibits in some circumstances.

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: I deal with it on a case-by-case basis.

The Honorable Karen S. Jennemann: I have no set policy, but will take whatever action is appropriate on a case-by-case basis.

The Honorable Michael G. Williamson: It depends on potential prejudice, which may result in a continuance and possible imposition of sanctions. The Court may also deny admission of exhibits in some circumstances.

The Honorable K. Rodney May: It depends on potential prejudice, which may result in a continuance and possible imposition of sanctions. The court may also deny admission of exhibits in some circumstances.

The Honorable Catherine Peek McEwen: It depends on potential prejudice, which may result in a continuance and possible imposition of sanctions, such as exclusion of those exhibits.

The Honorable Alexander L. Paskay: If requested, sanctions

30. Please indicate any “pet peeves” of which you would like the federal bar to be aware?

The Honorable Paul M. Glenn:

The Honorable Arthur B. Briskman:

The Honorable Jerry A. Funk: An attorney’s failure to let his or her client know that a hearing has been resolved and that the client need not attend the hearing.

The Honorable Karen S. Jennemann: Court time is very precious. If you know you will need more time or if a matter settles and you need no time, please call my Courtroom Administrator as soon as possible.

Pre-mark exhibits before evidentiary hearings, and make sure you bring sufficient copies.

The Honorable Michael G. Williamson: When there are significant legal arguments and cases you want considered, file them in advance with a notice of filing. You can plan that I will rule at the hearing; if you want certain authorities taken into account, I need them before the hearing.

Call Chambers when a matter is settled. Otherwise, valuable time is expended by the Judge and Chambers staff, which is wasteful of court resources. Sanctions may be imposed if Chambers expends considerable time preparing for a hearing or trial after the parties have reached a settlement.

Have your exhibits prepared in compliance with M.D. Fla. L.B.R. 9070-1. See my Procedures for Introduction of Exhibits posted at www.flmb.uscourts.gov/williamson. For further guidance, see my Practice Pointers for Lawyers, also posted at www.flmb.uscourts.gov/williamson.

The Honorable K. Rodney May: When there are significant legal arguments and cases you want considered, file them in advance with a notice of filing. You can plan that I will rule at the hearing; if you want certain authorities taken into account, I need them before the hearing.

Call Chambers when a matter is settled. Otherwise, valuable time is expended by the Judge and Chambers staff, which is wasteful of court resources. Sanctions may be imposed if Chambers expends considerable time preparing for a hearing or trial after the parties have reached a settlement.

Have your exhibits prepared in compliance with M.D. Fla. L.B.R. 9070-1.

Arrange telephonic appearances at least twenty-four hours before the scheduled hearing.

Confer with opposing counsel before any hearing to explore settlement of substantive issues or, at least, the process for moving the matter to trial.

The Honorable Catherine Peek McEwen: I am too new to have peeves, pet or not.

Practice pointers:

Help me by coming prepared with legal arguments in support of your position and cases you want considered. Submitting them in advance is most helpful.

Call the Courtroom Deputy when a matter is settled so that Chambers staff and I can work on preparing for something else.

Mark your exhibits in advance in compliance with M.D. Fla. L.B.R. 9070-1. It makes the trial run more smoothly and aids the Courtroom Deputy tremendously.

Speak clearly and slowly when making your appearance so that we record your name correctly on proceeding memos.

Settlement and social conversations in the courtroom's well and gallery areas may be distracting to all seated at the bench, which may cause one of us to miss something. Also, digital recording equipment may sometimes pick up remote conversations, which can cause problems in generating accurate transcripts. Therefore, while the Court is in session and you are waiting for your case to be called, please hold your settlement discussions outside the courtroom so as not to interfere with a colleague's hearing.

The Honorable Alexander L. Paskay: Lack of preparation; Failure to organize presentation; Talking to opposing counsel instead of court; talking at the same time the Judge is talking.